Amendments to the Drawings:

Please replace the previous drawing sheet that contained Fig. 2 with the attached Replacement Sheet containing Fig. 2.

Attachment: Replacement Sheet

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REMARKS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested. By the present amendment, claims 1-2, 4-5, and 7-10 are amended, dependent claims 11-12 are newly added, the specification is amended, and Figure 2 of the drawings is amended.

Regarding the amendments to the specification, the paragraph on page 4, lines 30-32 is amended to make it consistent with the other parts of the specification and with Figure 2. It is stated on page 5, lines 25-27 that "the pin 25 is shaped so that the safety button 13 is positioned in the centre of the first recess 18..." The amendment to the paragraph on page 4, lines 30-32 paragraph makes the specification consistent with page 5 and with Figure 2 by correctly labeling the recesses 18, 19, and it is appreciated that no new matter has been added.

Regarding item 1 of the Office action, claims 5, 7, and 9 have been amended to delete the limitation "related components." These claims now only recite the presence of a lever or a button which are both present in the drawings.

Regarding item 2, the connection between the wheel 30 and the lever 12 for transforming the movement of the lever 12 to the throttle is readily recognizable. As stated in the specification on page 6, lines 10-17, "the plastic pin 31 is pressed into a prepared opening or hole 32 in the handle section 16." It is to be appreciated that, as seen in the drawing, the plastic pin 31 is placed through the line wheel 30 and a hole, such as 24, in the lever 12. The plastic pin has an extended portion, as clearly seen in Figure 2, that is used to hold the lever 12 in connection with the line wheel 30. In addition, the specification has been amended to include reference to this element, in the paragraph on page 6, lines 7-19.

Regarding item 3, the paragraph on page 4, lines 21-24 is amended to make the appropriate reference to Figure 1. It is to be appreciated from Figure 1, that 33 is the element pointing to a "surface." Furthermore, the specification on page 6, lines 13-17 discloses the "supporting edge 36." This amendment provides description in the specification for element 33.

Regarding item 4, Figure 2 is amended to replace the reference character 22, which is pointing to the lever, with reference character 12. This amendment makes Figure 2 consistent with Figure 1. Also, the Figure did not label a feature present on the pin 31. Accordingly, the attached drawing sheet of Figure 2 includes the lever correctly labeled as element 12 and a reference to a feature 40 on the pin 31.

Regarding item 5, it is appreciated that the specification teaches multiple components, such as a lever and a button. The specification explicitly states that control levers or buttons are placed and that the "handle may also comprise more levers or buttons for controlling and steering other functions on the tool. The numbers of levers or buttons on the handle do however not affect the principle for this invention." Page 1, lines 30-31, Page 2, lines 1-2.

Also, it is appreciated that the specification does teach how the line wheel 30 transforms the movement in the lever. On page 3, lines 8-9, the specification states that "There are three different general solutions for securing the levers and buttons in the handle section." In addition, on page 3, lines 20-21 the specification states that "The last alternative is to press a separate pin into a prepared opening or hole in the handle section and then secure the component to the pin." This statement refers to the connection between the line wheel and a lever. Furthermore, on page 6, lines 7-10, the specification states that the "third alternative for securing components is for example used to secure a line wheel 30 in the handle section." The use of the word "components," in light of the rest of the disclosure, means a lever or a button. As such, when the specification states that a "component" is secured to a line wheel, the specification is referring to a lever or a button being secured to the line wheel. Furthermore, it is appreciated that the plastic pin 31 enters the hole 24 in the lever 12, according to the embodiment of Figure 2. Therefore, with the lever 12 connected by the plastic pin 31, the line wheel 30 and the lever 12 are connected.

Regarding the Examiner's assessment that the invention contains multiple species, it is to be appreciated that the different alternatives for connecting a button

or a lever are not "independent and distinct" inventions requiring the election of only one means of connecting. The three different types of connections may be combined in any one embodiment. As stated in MPEP 806.05(j), "inventions are distinct if (A) the inventions as claimed do not overlap in scope, i.e., are mutually exclusive; (B) the inventions as claimed are not obvious variants; and (C) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect." The different alternatives for connecting in the present invention are not mutually exclusive as multiple attachment means may be used because of the plurality of buttons or levers that are present. In addition, the alternatives certainly can be used together, as the claims are not directed to solely attaching the buttons or levers. Given the standards for determining whether a restriction is needed, Figure 2 still provides an example embodiment, as it shows button 13 connected using the key-hole alternative, and the lever 12 can be connected by either of the alternatives of a locking pin 23 in a supporting section 20 or by connection by use of a plastic pin 31 with an extended portion 40. Each of the alternative connections are still part of a single embodiment of claim 1.

Regarding item 6, the specification has been amended to correct the "circle-shaped" and "hand held" errors.

Regarding item 7, the claims have been amended to correct the informalities cited by the Examiner.

Turning to the rejection of claim 1 as being indefinite, claim 1 has been amended to more distinctly claim the subject matter. Claim 1 now recites "that the function of the lever or button is substantially independent the position of the other handle section (15)." This language is more clear as it states that the handle section (15) is substantially independent, recognizing that the handle section (15) still must be in a proper general orientation to match up with the handle section (16). Furthermore, this amendment defines that the present invention requires less precision than was needed in the prior art to join together two handle sections.

Regarding the rejection of claim 4 as being indefinite, claim 4 has been amended to more distinctly claim the subject matter. Claim 4 is amended to state that the lever controls the throttle of the engine, as the lever does control the speed of the engine.

Regarding the use of the phrase "the lever or levers and/or button or buttons and related components," this phrase has been deleted from claims 5, 7, and 9. To more distinctly claim the subject matter, the phrase "at least one button" and "at least one lever" is being used in claim 1 and references to the "related components" have been deleted throughout the dependent claims of 5, 7, and 9. Claim 7 has also been amended to recite a circular portion of the keyhole-shape to further define the shape of the structure. It is appreciated that the shape of the keyhole involves a circular portion in addition to another shape as can be seen in Figure 2.

Turning to the rejection of claims as being obvious in view of the patent to Zerrer (U.S. Patent No. 4,761,939) in view of Lowe (5,738,064), the rejection is respectfully traversed. Zerrer discloses a handle (10) for a brushcutter (1) that includes a gas lever (11) and an electrical switch (12), and the handle is comprised of two clamshells (16, 17). The clamshell (17) is attached to the clamshell (16) by the use of screws (56, 57, and 58) and pass-through bores (59, 60, and 61). The presence of screws and bores teaches that an exact orientation between each clamshell is needed for proper operation of the gas lever (11) to occur. Therefore, unlike the claimed present invention, the Zerrer invention does require an exact position of the second clamshell for the gas lever (11) to operate correctly.

In the Lowe device, a portable power tool (10) is disclosed that includes a throttle trigger (38), a lock-out switch (40), and a kill switch (42). The Lowe device provides a first chassis section (48) and a second chassis section (50) which can be vibrationally welded together. In Column 3, lines 24-32, Lowe states that the dividing surface between the two chassis sections (48, 50) is substantially vertical but does not form a plane. The presence of a "substantially vertical" dividing surface teaches that a great deal of precision is needed and an exact orientation is required when attaching the chassis sections together, similar to the Zerrer invention.

Furthermore, the mounting location for the throttle trigger and switches (38, 40, 42) includes fastener receiving openings (108) in the left chassis section (50) that cooperate with the fastener receiving openings (98) in the right chassis section (48). Thus, the Lowe invention teaches permanently attaching two handle sections and requiring exact precision. Therefore, neither the Zerrer device nor the Lowe device teach solutions for making it easier to assemble two handle sections, allowing for some displacement of a second handle section, or requiring less precision when assembling two handle sections. Both the Zerrer device and the Lowe disclose joining two handle sections, but with structure requiring precise position relative to each other for the control levers or buttons to work perfectly. As a result, combination of the Zerrer device with the Lowe device would not provide the present invention, where "the function of the lever or button is substantially independent of the position of the other handle section (15), characterized in that said handle sections (15, 16) are permanently joined together." As a result, even if the teachings from the Lowe patent are use to modify the Zerrer device, each and every element of the present invention is not present. Thus, claim 1 is allowable and it is respectfully requested that the rejection be withdrawn.

Claim 5, which depends on claim 1, is patentable for at least the same reasons claim 1 is patentable. Furthermore, claim 5 is allowable because it recites the limitation of securing a lever by a supporting section (20). Zerrer only teaches that a "gas lever 11 is mounted so as to be piviotable about the shaft of an attachment screw 34." Col. 3, lines 15-18. However, the references cited do not disclose structure similar to that shown in Figure 2 of the present invention which is confined to one handle section. Therefore, claim 5 is allowable and it is respectfully requested that the rejection be withdrawn.

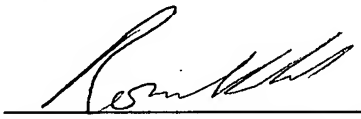
Please note that claim 10 is amended to recite the correct structure. As disclosed in the specification, the pin (31) of claim 9 corresponds to the supporting edge (36), not the circular-shaped edge (34), as originally recited. In addition, the referenced element numbers for the pin (31) of claim 10 have been corrected.

Accordingly, claims 2-10 are also allowable as each of these claims depend from Claim 1.

Also please note that new claims 11 and 12, which depend on claim 1, are also patentable for at least the same reasons claim 1 is patentable. Furthermore, claims 11 and 12 are allowable because they recite the limitation of having diameters on the handle section (15) that are larger than the corresponding pins (25, 31) on the first handle section (16).

If there are any additional fees resulting from this communication, or if no check is enclosed, please charge same to our Deposit Account No. 16-0820, our Order No. 38148.

Respectfully submitted,
PEARNE & GORDON LLP



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